



Appeal Decision

Site visit made on 25 November 2025

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 December 2025

Appeal Ref: APP/N5090/C/24/3337597

32 Ash Grove, London NW2 3LL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Austin Kiely against an enforcement notice issued by the Council of the London Borough of Barnet.
 - The notice was issued on 15 December 2023.
 - The breach of planning control as alleged in the notice is Without planning permission, the making a material change of use of the building to use as an HMO.
 - The requirements of the notice are:
 1. Cease the use of the property as a large House in Multiple Occupation (Sui Generis)
 2. Restore the property to the state in which it was prior to the breach in accordance with approved Proposed floor plan ASH/2009/02 submitted as part of application no. F/04598/09. The works of restoration to include removing from the property:
 - i) All internal partitions, which enable the sub-division of the property as a large HMO sui generis use in order to allow free internal passage to all areas.
 - ii) All kitchen units, ovens, hobs, extractor units, sinks, work surfaces, kitchen style cupboards, hot and cold-water supply and foul waste drainage pipework, food preparation areas from bedrooms.
 - The periods for compliance with the requirements is 6 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the material change of use of the building to use as an HMO at 32 Ash Grove, London NW2 3LL referred to in the notice, subject to the following condition:
 - 1) The House of Multiple Occupation hereby approved shall be occupied by no more than a total of 11 persons at any time.

Preliminary Matters

2. During the course of this appeal, the Barnet Local Plan 2012 (LP), and policies contained within it, has been replaced with the Barnet Local Plan, adopted in March 2025 (BLP). This must now be given full weight in the decision-making process. Both main parties have been given the opportunity to comment on the new BLP and so have not been prejudiced. I have therefore not assessed the development against the policies of the superseded LP.

Main Issues

3. The main issues are:

- whether the site is suitable for a HMO, having regard to the development plans approach to the provision of HMOs;
- the effect of the development on the living conditions of neighbours, with particular regard to noise and disturbance; and
- whether the development is acceptable, having regard to cycle parking and refuse and recycling storage.

Reasons

Whether the site is suitable for an HMO

4. The appeal property is a semi-detached property within a residential area, characterised predominantly by similar properties in use as single dwellings or flats. The property has been previously extended with a rear dormer roof extension and a single storey rear extension to the side of the two-storey back addition. Whilst permission was previously granted for the conversion of the property into two self-contained flats¹, the Council state that this previous permission was not implemented². As such, the former use of the property was a 7-bedroom dwelling.
5. The appeal development relates to material change of use of the building to use as a 9-bedroom House in Multiple Occupation (HMO). The layout of the property includes a kitchen and utility room on the ground floor and three bathrooms spread across the property, one on each floor. There are currently 11 people residing within the HMO, who are predominantly from the Philippines working within health care and hospitality.
6. Paragraph 5.12.1 of the BLP explains that “HMOs are properties occupied by unrelated individuals who share basic amenities such as a kitchen or bathroom. The traditional source of HMOs tends to be larger, older single family dwelling houses, located in areas with good access to public transport (in particular bus routes) and local services as well as large single dwelling houses that can be sub-divided into much smaller and more affordable accommodation.”
7. Policy HOU04, Part C deals with HMOs and stipulates a number of criteria a) to d) that new HMOs must meet. The appeal site benefits from an HMO Licence, in compliance with criterion a).
8. Criterion b) requires HMOs to meet an identified need and that they do not create a harmful concentration of such a use in the local area. A harmful concentration is defined as where three or more of the ten nearest properties are HMOs. In relation to ‘need,’ the appeal premises currently provides low-cost accommodation for 11 occupiers primarily from the Filipino community who work in the hospitality and health care sectors, and I observed a number of these occupants during my site inspection.
9. Policy HOU02 of the BLP highlights the importance of mixed and inclusive neighbourhoods and states that the Council will support proposals which provide a

¹ Council ref: F/04598/09

² Paragraph 4.24 of the Council's Statement.

mix of dwelling types and sizes to help meet current and future housing needs. Table 7 of the BLP sets out the Council's dwelling size priorities by tenure and identifies that there is only a 5% need for dwellings with more than 5 bedrooms, whereas there is a 6% need for 1-bedroom units. The Council state that HMOs provide market housing in a similar way to a studio or one-bedroom flats. Whilst the greatest need is for family accommodation with 3 bedrooms, as supported by Policy HOU03, Table 7 of the BLP clearly illustrates that there is a greater need for HMO type accommodation (one-bedroom units) than the former use as a 7-bedroomed property.

10. Furthermore, paragraph 5.12.5 further highlights that "HMOs are an important source of low cost, private sector housing for students, those on low incomes and those seeking temporary accommodation. Many people living in this type of housing will only be able to afford shared accommodation." I consider that the Filipino health care and hospitality sector workers fall within this category. Indeed, the fact that the HMO is currently occupied by Filipino workers and has been for a number of years, demonstrates that there is a need for this type of accommodation at this location. On the basis of the available evidence, I am satisfied that there is an identified need for the HMO.
11. In relation to the second part of criteria b), there is only one other HMO on Ash Grove. As such, there is clearly not a harmful concentration of HMOs along this part of Ash Grove, and HMOs represent a small number of properties along the street. I also note that there have been little internal alterations carried out to create the HMO, and therefore the development would not preclude its reversion back to a family dwelling in the future. For the above reasons, the development complies with criterion b).
12. Criterion c) requires proposals for HMOs to demonstrate that they will not have a harmful impact on the character and amenities of the surrounding area. The Council are concerned that the HMO, results in an increase in residential movement to and from the site and an intensity of use that will erode the established residential character of the area.
13. No external alterations have been carried out to facilitate the material change of use of the property to an HMO. Indeed, the former use of the property as a 7-bedroom dwelling was relatively large and could have accommodated a similar number of occupants, and different generations in a family could generate separate movements to and from the site in relation to work and leisure. Furthermore, the number of refuse and recycling storage facilities in the front garden was comparable to other properties along the street. Overall, given the relatively large size of the property, the HMO use has not materially altered the established character of the area in accordance with criterion c).
14. Criterion d) states that the accommodation should be easily accessible by public transport, cycling and walking. The site has a Public Transport Accessibility Level (PTAL) score of 5 which indicates very good access to public transport, with Cricklewood Train Station and several bus stops located within a 5-minute walk. I am therefore satisfied that the site has good accessibility by public transport, cycling and walking in compliance with criteria d).
15. Overall, I conclude that the appeal site is suitable for a HMO, having regard to the development plans approach to the provision of HMOs, in general conformity with

policies HOU02, HOU03, and HOU04 of the BLP, which seek to deliver mixed and inclusive neighbourhoods and support new HMOs where they do not create a harmful concentration of HMOs in the area, protect local character, and where they are easily accessible by public transport, walking and cycling.

Living conditions of neighbouring occupiers with particular regard to noise and disturbance

16. The Council consider that the change of use of the property into a 9 bedroomed HMO can have an impact on neighbours as a result of the noise and disruption caused by the introduction of both more people and separate households into the area where there are predominantly family dwellings. The bedrooms within the HMO meet the necessary space standards and the HMO Licence confirms that the property would be occupied by a maximum of 11 individuals. Additionally, the HMO includes a reasonably sized communal kitchen/utility area and the rear garden which reduces the likelihood of bedrooms being over-intensively occupied. As such, there would not be any overcrowding, which can otherwise lead to an unreasonable level of noise and disturbance.
17. As noted above, the former use of the property as a 7-bedroom dwelling is relatively large and could have accommodated a similar number of occupants, comings and goings, and traffic movements to and from the appeal premises. Indeed, I have not been presented with evidence to suggest a harmful level of noise would penetrate through the walls into the adjoining property and I have not been directed to any objection from the Council's Environmental Protection team nor neighbouring occupiers.
18. Furthermore, the appellant has submitted a Noise Impact Assessment³ of the existing 11 person HMO on neighbouring occupiers. The Assessment concludes that noise from: internal noise transfer; the use of the rear garden and from vehicular movements associated with the HMO use for 11 occupants is not likely to unduly effect the nearest residences. I find no reason to disagree with this professional assessment. Taking these points together, I am satisfied the occupation of the HMO by 11 tenants does not harm the living conditions of neighbours. It is necessary to condition the number of occupants to 11, to ensure that the use of the site does not intensify in future.
19. I therefore conclude that the development preserves the living conditions of neighbouring occupiers, with particular regard to noise and disturbance, in accordance with Policies CDH01 and ECC02 of the BLP. Amongst other things, these state that the Council will expect development proposals to provide a good standard of amenity that is consistent with other policies in the Plan; and that development proposals will be expected to avoid generation of unacceptable noise levels close to noise sensitive uses is avoided.

Cycle parking and refuse and recycling storage facilities

20. Policy TRC03 of the BLP, Policy T5 and Table 10.2 of the London Plan, 2021 (London Plan) requires a total of 10 spaces to be provided (1 space for a 1 bedroom one person dwelling and 1.5 spaces for a 1 bedroom two-person

³ Noise Assessment Report for 32 Ash Grove prepared by RBA Acoustics dated 1 May 2024.

dwelling). The appeal site benefits from a secure cycle store in the rear garden of the appeal site which provides space for 11 bicycles. The cycle storage in the rear garden is safe and secure and is in general conformity with the aforementioned cycle parking policies.

21. Turning to refuse and recycling facilities, the Supplementary Planning Document: Sustainable Design and Construction, 2016 (SPD) states that communal refuse and recycling containers, communal bin enclosures and refuse and recycling stores should be easily accessible to all residents including children and wheelchair users, and located on a hard, level surface. During my site inspection I observed that the front garden provide 3 refuse wheelie bins and 2 recycling wheelie bins. The storage facilities are easily accessible for the occupants, is in a suitable location, and is on a level, hard surface. The amount of storage bins provided (5 in total) is sufficient to meet the needs of the 11 occupant HMO. Overall, the level of refuse and recycling facilities provided is in accordance with the Council's SPD.
22. I therefore conclude that the development is acceptable, having regard to both cycle parking and refuse and recycling storage facilities, in accordance with Policies TRC03 of the BLP and policy T5 and Table 10.2 of the London Plan, which seek the aforementioned aims.

Other Matters

23. No conditions have been suggested by the Council and as the development has already commenced there is no need for the usual time limit condition. As the HMO is being approved on the basis of the specific circumstances which are outlined in this appeal, a condition restricting occupancy of the property to no more than 11 persons is necessary to safeguard the living conditions of neighbouring occupiers.

Planning Balance and Conclusion

24. I have found the development to be in conformity with the development plan taken as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
25. For the reasons given above I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development described in the enforcement notice.

R Satheesan

INSPECTOR